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Docket No. P1178USA

Declaration and Power of Attorney For Patent Application English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

DRILL HEAD FOR USE IN PLACING AN INTERVERTEBRAL DISC DEVICE

the specification of	WINCH		:
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図 is attached here	to.		
□ was filed on		as United States Application N	lo. or PCT Internationa
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and was amend	ed on		
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application(s) listed below:					
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, Vincibly appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Todd S. Parkhurst, Reg. No. 26,494 Richard W. Young, Reg. No. 30,706 Paul L. Schaafsma, Reg. No. 32,664 Simon B. Anolick, Reg. No. 37,585 Anthonia Pomrening, Reg. No. 38,808 Richard I. Stamm, Reg. No. 39,385

Send Correspondence to: Todd S. Parkburst

GARDNER, CARTON & DOUGLAS

321 North Clark, Suite 3300 Chicago, Illinois 60610-4795

Direct Telephone Calls to: (name and telephone number) 312-644-3000

Full name of sale or first inventor		****
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Sale of first inventors signature	ul /5 in	10/3/97
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Chizenship USA		
Post Office Address 4624 East Mercer Way, Mi	ercer Island, Washington 98040	
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Applicant/ Bryss, Vincest; Kunsler, Alex Patenties: Invention: DRILL HEAD FOR USE IN PLACING AN INTERVERTEBRAL DISC DEVICE I the owner of the small business concern identified below: an official of the small business concern empowered to sol on behalf of the concern identified below: NAME OF CONCERN: Bylast Dynamics Corporation. ADDRESS OF CONCERN: 15400 S.E. 30th Place, Believus, Weshington 98007 I hereby declare that the above-identified small business concern qualifies as a small business concern as defined 13 CFR 121.3-18, and reproduced in 37 CFR 19(d), for purposes of paying reduced fees under Section 41(a) as (b) of Title 3b, United States Code, in that the number of employaes of the concern, including those of its affilial does not exceed 500 persons. For purposes of this statement, (1) the humber of employaes of the business concern is the average over the previous fiscel year of the concern of the persons employed on a full-time, part-time temporary behalf under the fisce of each other whether, directly or indirectly, one concern controls or has the power to control the other, or a third party or part controls or has the power to control both. I hereby declare that rights under contract or law have been conveyed to end remain with the small busines concern identified above with regard to the above identified invention described in: the specification filed herewith with title as listed above. the application identified above. the patent identified above. The hights held by the above-identified small business concern are not exclusive, each individual, concern organization having rights to the invention is listed on the next page and no rights to the invention are held by a person, other than the inventor, who could not qualify as a middle patent under 37 CFR 1.9(c) or by a concern which would not qualify as a small business concern under 37 CFR		l No.	Filing Date	Petent No.	Issue Date
I hereby declare that I am: In the owner of the small business concern identified below: In official of the small business concern empowered to sol on behalf of the concern identified below: NAME OF CONCERN: Bylink! Dynamics Corporation		ryan, Vincent; Kui	naler, Alez		
Inhe bwher of the small business concern identified below: an official of the small business concern empowered to act on behalf of the concern identified below: NAME OF CONCERN: Spinal Dynamics Corporation ADDRESS OF CONCERN: 15400 S.E. 30th Place, Believus, Washington 98007 I hereby declare that the above-identified small business concern qualifies as a small business concern as defined 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) as (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affillated and exceed 500 persons. For purposes of the concern of the persons employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time temporary bests during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other whether, directly or indirectly, one concern controls or has the power to control the other, or a third party or part controls or has the power to control both. I hereby declare that rights under contract or law have been conveyed to end remain with the small busines concern identified above with regard to the above identified invention described in: the specification filed herewith with title as listed above. the application identified above. the application identified above. the patent identified above. fit he rights hald by the above-identified small business concern are not exclusive, each individual, concern organization having rights to the invention is listed on the next page and no rights to the invention are held by a person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by a concern which would not qualify as a small business concern under 37 CFR 1.8(d) or a nonprofit organization under the other which would not qualify as a small business concern under 37 CFR 1.8(d) or a nonprofit organization under the first page.	invention: I	RILL HEAD FOR	R USE IN PLACING AN INT	tervertebral disc de	VICE
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□ an official of the small business concern empowered to sol on behalf of the concern identified below: NAME OF CONCERN: Bylinki Dynamics Corporation. ADDRESS OF CONCERN: 15400 S.E. 30th Piace, Bellevus, Washington 98007 I hereby declare that the above-identified small business concern qualifies as a small business concern as defined 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) as (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affillated ace not exceed 500 persons. For purposes of this statement, (1) the humber of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time temporary besis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other whether, directly or indirectly, one concern controls or has the power to control the other, or a third party or part controls or has the power to control the other, or a third party or part controls or has the power to control both. I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in: If the application identified above. I the patent identified above. If the rights hald by the above-identified small business concern are not exclusive, each individual, concern organization having rights to the invention is listed on the next page and no rights to the invention are held by a person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by a concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under the page and no rights to the invention are held by a person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(d) or a nonprofit organization under the	-				
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	PAT	ENT		•
PROVISION UTILITY		, _		DESIGN PCT
Application No.: Filing Date:	08/944,234 10/06/97	Date:	March 15, 2	
Client/Matter No.: Inventor(s): Bryan Title: DRILL HEA DEVICE	64118.000044 n Vincent et al. AD FOR USE IN PL	Client: Atty/Sec ACING AN	Medtronic .: OAF/c INTERVERTE	lja BRAL DISC
Office on the date of Revocation and Exhibit A - copy	Appointment of New F of executed Assignme of Merger document	ower of Atto		3C34 23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Serial No.:

08/944,234

Confirmation No.:

1173

Applicant

Bryan, Vincent et al.

Filed

October 6, 1997

Title

DRILL HEAD FOR USE IN PLACING AN INTERVERTEBRAL

DISC DEVICE

TC/Art Unit

3727

Examiner:

Lien M. Ngo

Docket No.

64118.000044

Customer No.

21967

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450.

REVOCATION AND APPOINTMENT OF NEW POWER OF ATTORNEY

Sir:

SDGI Holdings, Inc. ("Assignee"), a corporation organized and exiting under the laws of the state of Delaware, having a place of business at 300 Delaware Avenue, Suite 508, Wilmington, DE 19801 is assignee of the total interest in the above-captioned patent application pursuant to an Assignment to SDGI Holdings, Inc., which followed the merger of Medtronic Sofamor Danek, Inc. and Spinal Dynamics Corporation. *See* Exhibits A and B, respectively. Both instruments are being recorded in the assignment records of the Patent Office.

Pursuant to 37 C.F.R. § 3.73(b), the undersigned, who is empowered to act on behalf of the Assignee, hereby declares that he has reviewed the evidentiary documents of the chain of title and certifies that, to the best of Assignee's knowledge and belief, title to the above-captioned patent application is with the Assignee.

Assignee hereby revokes any and all previous Powers of Attorney and hereby appoints, both jointly and severally, as its attorneys and agents with full power of substitution and revocation, to prosecute said patent application, including any and all continuation, divisional, renewal, substitute, reexamination and reissue applications based in whole or in part on said

PATENT

Attorney Docket No.: 64118.000044

Serial No. 08/944,234

application, before the U.S. Patent and Trademark Office, to transact all business in the U.S. Patent and Trademark Office connected therewith, including receiving any Letters Patent issuing thereon, and to take any and all other legal action with regard to this patent application, the following attorneys and agents of the firm of Hunton & Williams LLP:

Stanislaus Aksman, Reg. No. 28,562; Jennifer A. Albert, Reg. No. 32,012; Thomas E. Anderson, Reg. No. 37,063; David E. Baker, Reg. No. 42,285; Carl L. Benson, Reg. No. 38,378; Thomas D. Bradshaw, Reg. No. 51,492; J. Robert Brown, Jr., Reg. No. 45,438; Brian M. Buroker, Reg. No. 39,125; Christopher C. Campbell, Reg. No. 37,291; Katherine S. Chang, Reg. No. 40,544; Trevor Q. Coddington, Reg. No. 46,633; Christopher J. Cuneo, Reg. No. 42,450; Ryan S. Davidson, Reg. No. 51,596; Patrick A. Doody, Reg. No. 35,022; Kevin T. Duncan, Reg. No. 41,495; Ozzie A. Farres, Reg. No. 43,606; Nancy J. Flint, Reg. No. 46,704; Christopher J. Forstner, Reg. No. 46,049; Charles F. Hollis, III, Reg. No. 40,650; Nancy J. Jensen, Reg. No. 45,913; Betsy L. Johnson, Reg. No. 55,305; Laba Karki, Reg. No. 55,317; David A. Kelly, Reg. No. 53,106; Robert C. Lampe, III, Reg. No. 51,914; Jeffrey S. Leaning, Reg. No. 51,184; Ryan S. Loveless, Reg. No. 51,970; Tyler Maddry, Reg. No. 40,074; J. Michael Martinez, Reg. No. 37,178; David H. Milligan, Reg. No. 42,893; James R. Miner, Reg. No. 40,444; Bryan F. Moore, Reg. No. 52,044; Jeffrey T. Perez, Reg. No. 52,110; Michael P.F. Phelps, Reg. No. 48,654; John P. Pinkerton, Reg. No. 28,746; Laurence H. Posorske, Reg. No. 34,698; Andrew J. Ririe, Reg. No. 45,597; Stephen T. Schreiner, Reg. No. 43,097; Robert M. Schulman, Reg. No. 31,196; Thomas J. Scott, Jr., Reg. No. 27,836; Yisun Song, Reg. No. 44,487; Shelley L. Spalding, Reg. No. 51,971; Rodger L. Tate, Reg. No. 27,399; Samson Vermont, Reg. No. 42,202; Robert J. Ward, Reg. No. 28,746; and Scott F. Yarnell, Reg. No. 45,245.

PATENT

Attorney Docket No.: 64118.000044

Serial No. 08/944,234

All correspondence and telephone communications should be addressed to:

CUSTOMER NUMBER 21967

Robert M. Schulman
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1900 K Street, N.W.
Suite 1200
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(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)

Dated: March 12, 2004

By:

Name: Karl S. Dahlquist Title: Assistant Secretary for SDGI Holdings, Inc. FILING RECEIPT
PLEASE DATE STAMP AND RETURN TO US - BOX 235X

34

In re application of

BRYAN, VINCENT, et al.

Appln. No.: 08/944,234

Examiner: L. Ngo

For:

DRILL HEAD FOR USE IN THE ACTING AN INTERVERTEBRAL DISC DEVICE

NNT 0 3 5001

PAPER(S) FILED ENTITLED:

1. Submission Of Revocation And Appointment Of Attorneys;

2. Executed Revocation And Appointment Of Attorneys.

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC

2100 Pennsylvania Avenue, N.W. Washington, D.C. 20037-3213

Telephone: (202) 293-7060

Facsimile: (202) 293-7860

DOCKET NO.: A8038 ATTORNEY/SEC: KJB:hlb

Date Filed: July 3, 2001

Group Art Unit: 3731

Filed: October 6, 1997

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: A8038

BRYAN, VINCENT, et al.

Appln. No. 08/944,234

Group Art Unit: 3731

Examiner: L. Ngo

Filed: October 6, 1997

For: DRILL HEAD FOR USE IN PLACING AN INTERVERTEBRAL DISC DEVICE

SUBMISSION OF REVOCATION AND APPOINTMENT OF ATTORNEY

Commissioner of Patents Washington, D.C. 20231

FILED

Leglo 32,765

JUL - 3 2001

Sir:

Filed concurrently herewith is a Revocation and Appointment of Attorney in which Applicants revoke all previous powers of attorney and name the partners of the firm of SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC, including the undersigned attorney(s), with power of attorney to prosecute the above-identified application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct phone calls to Kenneth J. Burchfiel at (202) 293-7060.

Respectfully submitted,

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, D.C. 20037-3213

Telephone: (202) 293-7060 Facsimile: (202) 293-7860

Date: July 3, 2001

Kenneth J. Burchfiel Registration No. 31,333

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

BRYAN, VINCENT, et al.

Appln. No.: 08/944,234

Group Art Unit: 3731

Examiner: L. Ngo

Filed: October 6, 1997

For: DRILL HEAD FOR USE IN PLACING AN INTERVERTEBRAL DISC DEVICE

REVOCATION AND APPOINTMENT OF ATTORNEYS

Commissioner for Patents Washington, D.C. 20231

Sir:

-Vincent-Bryan and Alex-Kunzler, the inventors of the present application hereby revoke all prior powers of attorney and appoint John H. Mion, Reg. No. 18,879; Thomas J. Macpeak, Reg. No. 19,292; Robert J. Seas, Jr., Reg. No. 21,092; Darryl Mexic, Reg. No. 23,063; Robert V. Sloan, Reg. No. 22,775; Peter D. Olexy, Reg. No. 24,513; J. Frank Osha, Reg. No. 24,625; Waddell A. Biggart, Reg. No. 24,861; Louis Gubinsky, Reg. No. 24,835; Neil B. Siegel, Reg. No. 25,200; David J. Cushing, Reg. No. 28,703; John R. Inge, Reg. No. 25,916; Joseph J. Ruch, Jr., Reg. No. 26,577; Sheldon I. Landsman, Reg. No. 25,430; Richard C. Turner, Reg. No. 29,710; Howard L. Bernstein, Reg. No. 25,665; Alan J. Kasper, Reg. No. 25,426; Kenneth J. Burchfiel, Reg. No. 31,333; Gordon Kit, Reg. No. 30,764; Susan J. Mack, Reg. No. 30,951; Frank L. Bernstein, Reg. No. 31,484; Mark Boland, Reg. No. 32,197; William H. Mandir, Reg. No. 32,156; Brian W. Hannon, Reg. No. 32,778; Abraham J. Rosner, Reg. No. 33,276; Bruce E. Kramer, Reg. No. 33,725; Paul F. Neils, Reg. No. 33,102; Brett S. Sylvester, Reg. No. 32,765; Robert M. Masters, Reg. No. 35,603, George F. Lehnigk, Reg. No. 36,359, John T. Callahan, Reg. No. 32,607, Steven M. Gruskin, Reg. No. 36,818, Peter A. McKenna, Reg. No. 38,551 and Edward F. Kenehan, Reg. No. 28,962, their attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to:

REVOCATION AND APPOINTMENT OF ATTORNEYS USSN 08/944,234

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC

2100 Pennsylvania Avenue, N.W. Washington, D.C. 20037-3213

Telephone: (202) 293-7060 Facsimile: (202) 293-7860

Date: 6-27-01

Vincent Bryan

Date: 6-27-01

Alex Kunzler

DOCKET NO: 203906US25SD

ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231

RE:

Application Serial No. 08/944,234

For: Vincent Bryan et al. Filed: October 6, 1997

Title: Drill Head for Use in

Placing an Intervertebral

Disc Drive

OBLON

SPIVAK

McClelland

MAIER

NEUSTADT

P.C.

ATTORNEYS AT LAW

CHARLES L. GHOLZ (703) 412-6485 CGHOLZ@OBLON.COM

JAMES R. BOLER (703) 412-6262 JBOLER@OBLON.COM *BAR OTHER THAN VIRGINIA

SIR:

Attached hereto for filing is the following paper:

REVOCATION AND NEW APPOINTMENT OF POWER OF ATTORNEY

Our check in the amount of \$_-0_- is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is attached.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

Jane R. Bol

James R. Boler
Attorney of Record

Registration No. 37,058

22850

1755 Jefferson Davis Hwy.

Fourth Floor

Arlington, VA 22202

Tel. No.: (703) 413-3000 Fax No.: (703) 413-2220

E-Mail: JBOLER@OBLON.COM

JRB:wmp

1755 JEFFERSON DAVIS HIGHWAY ■ FOURTH FLOOR ■ ARLINGTON, VIRGINIA 22202 ■ U.S.A. TELEPHONE: 703-413-3000 ■ FACSIMILE: 703-413-2220 ■ WWW.OBLON.COM

Docket No.

203906US 25 SD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Vincent Bryan et al.

GAU:

SERIAL NO: 08/944,234

EXAMINER: G. Tucker

FILING DATE: October 6, 1997

FOR:

DRILL HEAD FOR USE IN PLACING AN INTERVERTEBRAL DISC DRIVE

REVOCATION AND NEW APPOINTMENT OF POWER OF ATTORNEY

ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231

SIR:

The undersigned inventor of the above-referenced patent application, hereby revokes any and all previous Powers of Attorney and appoints Earl M. Douglas, Reg. No. 31,723, Norman F. Oblon, Reg. No. 24,618; Marvin J. Spivak, Reg. No. 24,913; C. Irvin McClelland, Reg. No. 21,124; Gregory J. Maier, Reg. No. 25,599; Arthur I. Neustadt, Reg. No. 24,854; Richard D. Kelly, Reg. No. 27,757; James D. Hamilton, Reg. No. 28,421; Eckhard H. Kuesters, Reg. No. 28,870; Robert T. Pous, Reg. No. 29,099; Charles L. Gholz, Reg. No. 26,395; William E. Beaumont, Reg. No. 30,996; Jean-Paul Lavalleyc, Reg. No. 31,451; Stephen G. Baxter, Reg. No. 32,884; Robert W. Hahl, Reg. No. 33,893; Richard L. Treanor, Reg. No. 36,379; Steven P. Weihrouch, Reg. No. 32,829; John T. Goolkasian, Reg. No. 26,142; Richard L. Chinn, Reg. No. 34,305; Steven E. Lipman, Reg. No. 30,011; Carl E. Schlier, Reg. No. 34,426; James J. Kulbaski, Reg. No. 34,648; Richard A. Neifeld, Reg. No. 35,299; J. Derck Mason, Reg. No. 35,270; Surinder Sachar, Reg. No. 34,423; Jeffrey B. McIntyre, Reg. No. 36,867; William T. Enos, Reg. No. 33,128 and Michael E. McCabe, Jr., Reg. No. 37,182 as Assignee's attorney with full power of substitution and revocation, to prosecute said patent application, receive any Letters Patent and to take any and all other actions with regard to this patent application and any Letters Patent issuing thereon, and request that all correspondence be sent to the firm of OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C. whose post office address is: Fourth Floor, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

Vincent Bryan Alex Kunzler

Date:

Docket No.

203906US 25 8D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Vincent Bryan et al.

GAU: 3309

SERIAL NO:

09/944,234

EXAMINER: G. Tocker

FILING DATE: October 6, 1997

FOR:

DRILL HEAD FOR USE IN FLACING AN INTERVERTEBRAL DISC DRIVE

REVOCATION AND NEW APPOINTMENT OF POWER OF ATTORNEY

ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231

SIR:

The undersigned inventor of the above-enforced patent application, hamby serokes any and all previous Powers of Attorney and appoints Earl M. Douglas, Reg. No. 91,723, Norman P. Oblon, Reg. No. 24,618; Marvin J. Spivak, Rag. No. 24,913; C. Irvin McCletland, Reg. No. 21,124; Gragory J. Maise, Rag. No. 25,599; Arthur I Netwark, Rog No. 24,854; Richard D. Kelly, Rog No. 27,757; James D. Hamilton, Rog. No. 28,421; Eckhard H. Knosturs, Rog. No. 28,870; Robert T. Potss, Rog. No. 29,009; Churles L. Gholz, Rog. No. 26,395; William E. Besumment, Reg. No. 30,996; Junn-Paul Levalleys, Reg. No. 31,451; Stephen G. Banter, Reg. No. 32,884; Robert W. Hahl, Roy, No. 33,893; Richard L. Tromor, Roy, No. 36,379; Stoven P. Wolbrouch, Roy, No. 32,829; John T. Guolicarian, Rog. No. 26,142; Richard L. Chinn, Rog. No. 34,305; Stoven E Lipman, Rog. No. 30,011; Carl H. Schlier, Rog. No. 34,426; James J. Knibeski, Rog. No. 34,648; Richard A. Neifeld, Rog. No. 35,299; J. Derek Mason, Reg. No. 35,270; Steinder Sacher, Reg. No. 34,423; Joffeny R. Mchriyos, Reg. No. 36,867; William T. Enos, Reg. No. 33,122 and Michael E. McCaba, Jr., Rog. No. 37,182 as Assignoe's attorney with fall power of substitution and revocation, to prosecute said patent application, receive any Lotters Patent and to take any and all other actions with regard to this patent application and any Letters Patent issuing thereon, and request that all correspondence be sent to the firm of OBLON, SPIVAK, McCLELLAND, MAJER & NEUSTADY, P.C. whose post office address is: Fourth Floor, 1755 Iefferson Davis Highway, Artington, Vinginia 22202.

Vincent Bryan	Alex Konzier
Dete:	Date: 3/9/2001